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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE 1377th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 8 March 2000, at 3 p.m.

Chairman: Mr. SHERIFIS

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Fourteenth periodic report of Denmark

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GE.00-41003 (E)

The meeting was called to order at 3.05 p.m.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE UNDER RULE 14 OF THE RULES OF PROCEDURE (agenda item 1) (continued)

1. In accordance with rule 14 of the Rules of Procedure, Mr. VALENCIA RODRIGUEZ, a re-elected member of the Committee, made the following solemn declaration:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously."

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Fourteenth periodic report of Denmark (CERD/C/362/Add.1; HRI/CORE/1/Add.58)

2. At the invitation of the Chairman, Mr. Lehmann, Ms. Rechnagel, Ms. Grambye, Ms. Retoft, Ms. Herbst Bendiksen, Ms. Urth, Mr. Hem Lindblom, Mr. Skibsted Mogensen, Ms. Bjerg Clausen, Ms. Andersen, Ms. Lauridsen, Ms. Toftegaard Nielsen and Mr. Møller Lyberth took their places at the Committee table.

3. Mr. LEHMANN (Denmark) said that the size of the Danish delegation reflected the continuing importance his Government attached to a substantive, frank dialogue with the Committee. The fourteenth report was an earnest attempt to address the issues raised by the Committee during the previous discussion in 1997, and would be supplemented and updated by the delegation in its oral introduction. A lively debate was continuing in Denmark on how best to integrate immigrants and refugees into Danish society. Denmark had only recently witnessed a level of immigration which presented a challenge to its society's traditional customs and norms. Various experiments and ideas were being tried out to facilitate integration, and a free, public debate was the best foundation on which to build for the benefit of all members of society.

4. Ms. URTH (Denmark) said that the Danish Government had made a serious effort to ensure equality and protection against discrimination, and recognized that the adoption of laws was necessary, but did not suffice in itself. Since the report had been submitted, the Government had drawn up a plan to evaluate the effects of the Integration of Aliens Act, which had been in force for over a year. The Act had been well received, but certain provisions had been found lacking. Specifically, it had provided for participation in an integration programme which granted allowances that would initially be less than those offered to non-participants, and would subsequently be higher, when the beneficiary found employment. As it had been found that refugees and immigrants were slow to gain a foothold in the labour market and were thus penalized by that system, the Act was amended in January 2000 to raise the initial allowance to the same level as the cash assistance paid to Danish citizens and non-participants.

5. While the adoption of the Integration Act was an important step, much more remained to be done to ensure equality and integrate foreigners. Unemployment was particularly high among ethnic minorities. In February 2000 the Government had issued a report on existing integration

programmes and had launched a plan of action which contained more than 75 specific initiatives and measures centred around three main themes: employment, education and housing, including steps to ensure a more balanced composition of residents in urban areas.

6. As part of a high-visibility campaign launched in Denmark in 1997 during the European Year against Racism and still ongoing, a relay baton was passed from one set of organizations to another every year, with each year having a different specific theme. In February 2000, 12 new organizations had taken up the baton, including the Office of the National Commissioner of Police, which would encourage recruitment of minorities in the police force, the Danish radio and broadcasting network, which would increase awareness of the problem of racism, and the Danish Rectors' Conference, which would endeavour to improve university enrolment prospects for persons who had not received primary education in Denmark.

7. Ms. ANDERSEN (Denmark) underscored the importance of employment in the integration process. Although unemployment had been declining steadily in recent years, it remained high, particularly among ethnic minorities. The persistent gap between the unemployment rates of Danes and members of ethnic minorities, even those who had received Danish schooling and training, showed that there was clearly some discrimination on the labour market and signalled the need for further attention. Active measures, such as improved language courses, continued to be taken, and the problem was systematically discussed with the social partners and others active in the labour market. The Act on the Prohibition of Differential Treatment on the Labour Market adopted in 1996 protected individuals against discrimination in recruitment, promotion and dismissal, and had been followed up by a number of agreements underscoring the importance of equal treatment. The Ministry of Labour and the Board for Ethnic Equality had drawn up a Guide to the Discrimination Act, which was soon to be published and would include the case law and examples of action taken to improve access of minorities to employment. The Committee would receive a copy as soon as it came out. Other measures had the objectives of offering education and training programmes, language courses and vocational training, of changing attitudes on the labour market and of carrying out statistical and qualitative studies.

8. Ms. RETOFT (Denmark) said that the Ministry of Finance, as the main employer in the public sector, had undertaken a two-year programme to recruit more ethnic minorities, after consultation with public institutions, non-governmental organizations (NGOs) and trade unions. The programme, inter alia, provided funding for Danish language courses for ethnic minorities employed in the public sector, established rules for job advertisements so as to ensure that they invited applications by minority candidates, offered financial incentives to managers who recruited minorities and endeavoured to showcase the best practices for employment of minorities in the public sector. A follow-up of the programme was scheduled for later in the current year.

9. Ms. TOFTEGAARD NIELSEN (Denmark) said that in August 1999 the Ministry of Justice had appointed a commission to consider the advantages and disadvantages of incorporation into Danish law of the International Covenant on Civil and Political Rights, the Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination. The Government was of the opinion that incorporation would make no difference in legal terms, as under the current legal system such instruments could be invoked in

court and the Government saw to it that all new legislation was in conformity with conventions to which Denmark had acceded. On the other hand, incorporation could make the instruments better known to the public and to legal practitioners.

10. In December 1999 the Danish Parliament had adopted a law which provided for legal aid to individuals who filed complaints against Denmark with the Committee and other international bodies. For the applicant to qualify for such aid, the complaint must be well-founded and the international body in question must find reason to ask the Government for information on the case.

11. Mr. MØLLER LYBERTH (Denmark), speaking as a representative of the Government of Greenland, described measures taken for the development and expansion of self-government. In January 2000 the Government of Greenland had established a Commission on Self-Government with the purpose of defining, over the next two years, possibilities for the development of greater self-government within the Danish realm, based on the principle of correspondence between rights and responsibilities. The Commission would consider the transfer of the administration of justice to the Greenland Home Rule Government in the light of a report to be issued on that subject by the Greenland Law Reform Commission. It would also submit proposals for amendments to the Home Rule Act.

12. Denmark, and in particular Greenland, attached great importance to the work of the United Nations for the promotion of the rights of indigenous peoples. Denmark and Greenland were committed to promoting the objectives of the United Nations International Decade of the World's Indigenous People, and the initiative of establishing a Commission was a tangible contribution along the lines of the main theme of the decade, "Partnership in Action".

13. Mr. LEHMANN (Denmark) said that in its 1996 concluding observations the Committee had expressed concern about the delay in compensating members of the indigenous population relocated from Thule, the northernmost village in Greenland, in 1953. In August 1999 the Danish Supreme Court had handed down a judgement in which it had found that the State was liable to pay the plaintiffs damages for lost hunting rights as well as individual compensation for the transfer of the population. The Government had accepted the judgement, but an appeal had been lodged; the case was currently pending before the Supreme Court, and would probably be decided during 2000.

14. Mr. YUTZIS (Country Rapporteur) said that, in preparing his comments, he had consulted the report on Denmark of the European Commission against Racism and Intolerance, the report of the Danish Board for Ethnic Equality, a report by the Documentation and Advisory Centre on Racial Discrimination, a report produced by a group from the universities of Aarhus and Copenhagen, called The Torch, the concluding observations of the Committee on Economic, Social and Cultural Rights and, of course, the concluding observations of the Committee itself. The very comprehensive Danish and NGO reports were extremely valuable, and some public acknowledgement was due to the NGOs which were working so seriously towards a better understanding of the problems in their society.

15. The report described positive developments in the area of integration, such as the bridge-building projects, new measures under the Integration Act, changes to legislation

regarding the naming of children and the creation of the Integration Fund. He noted the use of a helicopter to bring messages against racial discrimination to nine groups across the country to focus attention on the responsibility for the fight against discrimination and for the advancement of ethnic equality, as well as the regional campaign "Colour in life - a society without boundaries" in Funen, which was especially important since it suggested that refugees and immigrants were a previously untapped resource that was full of potential.

16. There were, however, some issues of grave concern. The Government recognized that its integration efforts had not had the desired effect and that the Integration Act had not been successful in raising the employment rate amongst foreign nationals. Unemployment, especially where a high proportion of one group was unemployed, was a major obstacle to integration. Despite some overall improvement in employment levels there was still a marked difference between the unemployment rates in the two groups. Furthermore, any improvements had been due to the improving economic situation in Denmark and he feared that if the economy stopped growing or declined, the gap between Danish citizens and foreign workers would widen.

17. According to the report one of the two main causes of the high level of unemployment among ethnic minorities was the difficulty in satisfying the professional and linguistic requirements of the labour market and, in that context, he expressed satisfaction at efforts to improve the language skills of immigrants. The second reason was the reluctance of Danish employers to hire non-Danish employees. He wondered whether that was a result of State policies or whether it reflected a serious social and cultural problem. Noting that the report said (para. 6) that the Act on the Prohibition of Differential Treatment on the Labour Market did not prevent measures being taken to improve employment opportunities for disadvantaged groups, he pointed out that that was not the same as requiring such measures to be taken. Furthermore, employers in fact were prevented from taking special measures to improve employment opportunities for persons of, for example, a different ethnic background, because it was believed that improved employment opportunities for such groups were best achieved by legislation or other public measures (para. 8). He said that, according to the information he had, there were not sufficiently effective measures to guarantee equality of employment, at least not in the private sector. In addition, as a previous country rapporteur had pointed out, although a State party could make distinctions between citizens and non-citizens, if the State issued a foreigner a work permit, it was under an obligation to provide work and failure to do so was a violation of the Convention. He asked whether the delegation could provide more information on that issue.

18. He quoted various reported examples of discriminatory acts and attitudes and their effects. In May 1997, the Parliament had passed a law prohibiting foreigners, for reasons of security, from owning taxis and even from working as taxi drivers; fortunately, after severe public criticism of the Act the Government had been forced to backtrack. The horticultural society Dano in Rødovre had refused to sell allotments to anyone not born in Denmark but, after public criticism, had said that the prohibition was "only" against foreigners who were not Danish citizens. The Hertz Car Rental Company was found to have refused to rent cars to anyone who sounded foreign on the telephone. In 1996, a Copenhagen bus company had advertised that new drivers must speak one hundred per cent Danish, which was clearly an attempt to discourage non-Danish applicants. He noted that although the Act on the Prohibition of Differential Treatment on the Labour Market in principle banned any direct or indirect discrimination, in 1996 the Minister of Labour had said that in principle Danish employers could choose to hire

Danish citizens rather than foreign nationals. In 1997 the former Minister for the Interior had written in a newspaper article that the purpose of the Integration Act was to ensure that foreigners living and working in Denmark would be able to communicate with Danes in Danish and would respect the norms and rules of Danish society. He expressed his astonishment at such statements and wondered what the effect was on society when the State, as represented by Ministers of the Government, seemed to tolerate such attitudes.

19. Turning to the issue of refugees, he noted that many municipalities were reluctant to rent accommodation to refugees and the refugee issue was often manipulated in inflammatory political campaigns. For example, the Minister of the Interior and also the Dansk Folkeparti (Danish People's Party) had referred to the astronomical costs of receiving asylum-seekers. The leader of the Conservative Party had said in 1997 that the Danish national community could disappear and a Minister of the Interior had said that some immigrants were exploiting Denmark's liberal legislation and cheating Danes. Changes to the laws regarding asylum had complicated the situation of asylum-seekers in Denmark and the proposed new Aliens Act would make family reunification much more difficult. He asked if it was true that immigrants would not be able to obtain family reunification until they had been permanent residents for three years, immigrants would no longer be able to bring parents over the age of 60 to Denmark, family-arranged marriages would not qualify for family reunification, the maintenance requirement would be constantly re-evaluated, asylum-seekers would not be able to obtain asylum by marrying a Danish citizen, residents' permits would no longer be granted automatically after three years, the integration period for refugees would be extended from one and a half to three years, Danish classes for refugees would be combined with work or forced labour during the integration period, local authorities rather than the Danish Refugee Council would be responsible for the integration of refugees, reduced integration benefits would be paid to foreigners, and the Immigration Service would distribute quotas of refugees to the counties which would in turn distribute them to the municipalities.

20. He noted the measures described in the report for the housing and settlement of refugees and immigrants (paras. 105 to 126 and 171 to 177) and acknowledged the Government's efforts to ensure uniform geographical distribution of foreigners across the country but pointed out that local authorities were responsible for housing, their policies and attitudes were often discriminatory and they used special criteria and quotas to limit the numbers of foreigners. In addition, since the procedure to be followed by a foreigner who wished to move was complicated and the decision was left up to the receiving municipality, the effect was to discourage mobility.

21. Recalling that article 4 of the Convention prohibited racist propaganda and organizations based on racism or discrimination, he quoted a newspaper article in 1998 in which a Member of Parliament had said that aliens, whom he referred to as mostly "Mohammedan", incurred tremendous expenses for Danish society in the areas of law and order and security and were the cause of the destruction of the Danish welfare state. A recent advertisement in a newspaper had suggested that Danish homeless people were excluded from the housing market whereas Muslim immigrants easily obtained housing. Such deplorable attacks against the Islamic community were often found during political campaigns. The extreme right Progress Party, during the 1998 election, had said that foreigners should not have special treatment, bogus refugees and criminal foreigners should be expelled and family reunifications and fake marriages should be stopped because immigrants had abused the social welfare system for too long. Such attempts to

demonize foreigners were a root cause of the problems the country was facing. He observed that the fundamental characteristic of racism was the refusal to recognize the rights of others and asked whether the delegation could provide more information on the criteria used to decide when to take action against racism and discrimination because, despite efforts undertaken to date, they clearly continued to exist and such attitudes represented a ticking bomb within Danish society.

22. He was incredulous that the authorities seemed to tolerate openly neo-Nazi organizations. For example, the neo-Nazi radio station Radio Oasen not only had been granted a broadcasting licence, but at least twice had received some public funding from the Ministry of Culture. That went beyond tolerance and bordered on complicity. At one Rudolf Hess march in 1998 some participants had worn tee-shirts which on one side said "Smash the Jews" and on the other "Kill 'Em All", but the police had refused to act, saying that society had become more tolerant of such expressions of opinion and it currently took more to constitute a violation of Criminal Code provisions on racial discrimination. He wondered how tolerant of intolerance one could reasonably be.

23. The above were clear examples of what seemed to be a fundamental problem within Danish society. The written and oral reports of Denmark had given him the impression that the country was gradually moving towards recognition of the fact that it was an increasingly multicultural and multi-ethnic society although in 1998 the Minister for the Interior, Mr. Simonsen, had commented that respect for the cultural identity of the individual foreigner was a prerequisite for successful integration although such respect was not the object of the integration.

24. There were many examples of Denmark's ambiguous attitude towards the issue of immigrants. To cite one case, the Muslim parents of children who had been ashamed of showing their nudity in the locker room of a swimming pool had asked for separate changing facilities; the request had been denied on grounds of cost, the municipality concerned having maintained that everyone had had to be aware of Danish "bathing culture". But what was precisely the culture of the Danish people? Were McDonalds, Coca Cola and Nike part of it? No one complained about their presence, because they were Western institutions. In its argument about "Danish bathing culture", the municipality had spoken of a fear of contact with bacteria in clothing of persons of Muslim culture. That was a criterion of Western hygiene. Why was the concept of Western hygiene necessarily superior to that of other cultures?

25. To give another example, there had been a broad campaign in Denmark against the ritual slaughtering of animals by Jews and Muslims. But few Danes had seemed interested in how pigs were slaughtered or under what terrible conditions battery chickens were held. He referred also to the case of a 14-year-old girl who had not been allowed to train for a sports event because she had covered her hair with a headscarf. Who was a greater challenge to Danish culture, a girl who covered her head with a scarf, or one who wore a revealing mini-skirt?

26. Denmark was multicultural: the problem was an unwillingness to recognize that fact. He regretted the statement by the Minister for the Interior that he did not intend to work towards Denmark's becoming a multi-ethnic society.

27. Turning to paragraph 253 of the report, which dealt with the implementation of article 6 of the Convention, he was not certain that the dissemination of racist ideas was punished as it should be. The Committee had already raised that question in the past and had yet to receive a satisfactory reply.

28. He appealed for greater awareness in Denmark of certain dangerous phenomena before they reached boiling-point.

29 The CHAIRMAN, speaking in his capacity as member of the Committee, asked for clarification of a report he had read about an elderly illiterate Iraqi widow lodged in housing allocated in a small Danish municipality far from her son, her only connection in Denmark, who lived in another city. It would seem that the woman's family ties to persons resident in Denmark had not been taken sufficiently into account when the Danish immigration service had decided where to house her. He would have thought that there would be a humane way of accommodating such cases.

30. Mr. BANTON noted that in the memorandum presenting the Integration Bill to Parliament, the Minister for the Interior had stated that efficient integration formed the best basis for the return of aliens to their countries of origin and that successful integration was thus a prerequisite for aliens obtaining the resources necessary for a return. That suggested to him that, for the Danish Government, reception was in many cases expected to be temporary. He asked the Danish delegation to include in the next periodic report figures on the numbers and categories of persons entering Denmark, changes in the status of asylum-seekers who obtained a work permit and became immigrants, how long they stayed, how many acquired Danish nationality and the number of children they had. Without information about the process of settlement or return, the Committee could not make sense of the figures provided in paragraph 11 on differences in unemployment rates.

31. The Integration Act systematized measures to assist immigrants for the first three years, but a longer-term strategy would be needed to compare the progress of immigrants and their children with that of persons of Danish origin with similar qualifications. Statistics must be collected in a form that would allow the Danish Government to monitor the implementation and effectiveness of its programme.

32 Like Mr. Yutzis, he found it difficult to understand how a minister could say that a Danish employer was in principle allowed to give preference to Danish citizens over foreign nationals when hiring workers.

33. He asked the Danish delegation why no criminal action had been taken against the Member of Parliament Pia Kjærsgaard for making derogatory remarks about foreigners, whereas the journalist Lars Bonnevie, who had written that Ms. Kjærsgaard had been promoting racist views, had been found guilty of defamation and fined.

34. He was not in complete agreement with what Mr. Yutzis had said about a multicultural society, a term which meant different things to different people. In any case, it was not necessarily within the scope of the Committee's mandate.

35. Many of the cases drawn to the Committee's attention in which the prosecutor had declined to take action had concerned actions which seemed to have multiple motives, some of them objectionable and others excusable; the prosecutor focused on the excusable ones. That was a problem which had also been taken up with other countries, and he suggested that Denmark might consider the amendment to the Australian law, which had addressed that point by stating that if one significant motive among many was of a discriminatory nature, then it might constitute a breach of the Convention. He had the impression that prosecutors needed training on how to interpret such situations. Provision must be made for appealing against such decisions, because there must be some means of rectifying possible mistakes.

36. Referring to paragraph 244, he said that it should be possible to collect statistics on the comparative scholastic achievements of children of different origins. As he understood it, the performance of foreign children had been encouraging, partly because the Government had increased funding for schools in which such children were present in large numbers, but if funding was to come more heavily from local rather than national sources, that might threaten assistance to such schools. It was to be hoped that the next periodic report would provide further information on that important issue.

37. Mr. RECHETOV paid tribute to the Danish contribution to rescuing Jews during the Second World War, which testified to the absence of a tradition of anti-Semitism in Denmark.

38. He had a number of comments on Greenland. It struck him that the report played down Greenland's powers of self-government, whereas in reality Greenland's representatives were empowered to decide questions of trade, fishing and the like; indeed, sometimes their decisions were not to the liking of the central Government in Copenhagen. It was unfortunate that that degree of self-government had not been extended to Chechnya.

39. Paragraph 305 seemed to suggest that it was a difficult matter to translate the Convention into Greenlandic ("steps are being taken" etc.). It was to be hoped that by the time the next periodic report was submitted, if not earlier, the delegation could report that a few people had been found who could produce a Greenlandic version.

40. According to paragraph 309, the local courts of first instance were headed by lay judges chosen for their knowledge of the local community and people and of the Greenlandic language. If those local judges of the first instance had general jurisdiction, that was very worrisome, because it would mean that they were not professionals. But there appeared to be another phenomenon at play: such courts heard traditional civil cases, such as disputes between hunters or fishermen, and were not actually the backbone of Greenland's legal system. There was also another problem, because the paragraph stated that persons of the legal profession in the Greenland Administration of Justice system were mainly Danes. That suggested that the judges required interpretation; yet most of the evidence and written documentation submitted to the courts would surely be in Greenlandic. Danish judges who did not know the Greenlandic language were therefo e dependent on interpretation. He asked the Danish delegation to comment on the problems that that posed.

41. The Committee continued to regret the Thule situation, but there seemed to be geopolitical and perhaps even military issues involved, which perhaps explained why the report was vague and brief on that point. For years, the Greenlandic population, and even the Danes themselves, had not even been aware that nuclear weapons had been stockpiled in Greenland.

42. Mr. de GOUTTES said that a number of statistics still gave cause for concern, in particular the continuing high level of unemployment among foreigners. But the arrangements for promoting the integration of foreigners and ethnic minorities contained elements of great interest to the Committee, notably the Act on the Integration of Aliens in Denmark, which transferred to local authorities powers in the area of integration and made provision for newly arrived foreigners to take part in an initiation programme and receive an initial indemnity. He had also noted with interest the many proposals of the Integration Committee (paras. 46 et seq), the police training programmes that included meetings between police officers and representatives of ethnic minorities and with SOS against Racism, and the examples provided in the fourteenth report of criminal prosecution instituted for racist acts (paras. 103, 140 and elsewhere). However, according to paragraph 251, about 20 cases had been closed without any charges being brought. Reports by the Documentation and Advisory Centre on Racial Discrimination and the Danish Office for Ethnic Equality had drawn attention to the insufficient number of prosecutions in such cases.

43. He expressed surprise that so little emphasis had been given in the report to the development of a common European policy to combat racism and xenophobia. It had become a priority of the European Union and was the subject of two important European Union directives.

44. Referring to the information contained in paragraphs 105 et seq. and 176 of the report, he sought clarification with regard to the procedures applied by local authorities and the immigration services to ensure equitable geographical distribution of foreigners in Denmark, in accordance with the Integration Act. Under what conditions could foreigners move from the municipality assigned them and to what extent were the wishes of the persons concerned taken into account? Furthermore, what criteria were used by the local authorities in fixing quotas for allocating housing to refugees?

45. According to NGO sources, as a result of the Integration Act the amount of social security currently allocated to refugees was likely to be reduced. He would welcome some clarification in that regard.

46. He wondered why in 1997 the license of Radio Oasen, which was run by a neo-Nazi group, had been renewed by the National Radio and Television Committee, despite the initial refusal by the Local Radio and Television Board. Was it merely a question of not wishing to leave a radio frequency free, in the absence of other applicants, as paragraph 151 of the report seemed to imply? In the affirmative, then the decision of the National Radio and Television Committee was highly questionable. The Committee had already voiced its concerns about the leniency of the Danish authorities concerning the broadcasting of neo-Nazi ideology when it had considered Denmark's thirteenth periodic report.

47. What was the position of the Danish Government towards political parties such as the Dansk Folkeparti, which according to NGO sources had conducted racist and xenophobic campaigns and had links with neo-Nazi groups?

48. Paragraphs 262 and 263 of the report would need to be revised in the light of the Committee's finding with respect to the case of Ziad Ben Ahmed Habassi v. Denmark (Communication No. 10/97) that there had indeed been a violation of the Convention.

49. Mr. BRYDE said he would welcome more information on the action plan launched in February 2000, mentioned by Ms. Urth. He had read reports by NGOs and in the press which were critical of the action plan, alleging that the generous offers made to immigrants in it were conditional on their assimilation into Danish society. Having read the Danish text of the action plan on the Internet himself, with the assistance of a Danish translator, he had found that, while there were many references to the rights of immigrants to preserve their own cultural identity, there were even more references to the need for them to adjust to Denmark's legal and social norms and to integrate into Danish society. That would seem to bear out the comments made by the Country Rapporteur earlier. Where exactly did the boundary lie between the duty of immigrants to conform to Danish society and their need to preserve their own national identity? To what extent was multiculturalism really allowed in the country, or were immigrants expected to become Danes?

50. Mr. DIACONU commended Denmark's ongoing dialogue with the Committee, as borne out not only by its regular reporting and attendance, but also by the contents of the report, which followed up comments by the Committee on earlier periodic reports and even included references to complaints submitted by individuals. Also worth noting was the enactment of new legislation, including the Integration Act (1988) and amendments to the Aliens Act.

51. Article 4 of the Convention was not fully covered by article 266 (b) of the Danish Criminal Code, which prohibited statements of a racist nature, but only by groups, not individuals. Article 4 (a) had to be interpreted as also protecting persons as provided for in articles 2 and 5 of the Convention. He was somewhat puzzled by a court ruling to the effect that no compensation need be granted when an act of racial discrimination was carried out in a calm and polite manner. The Danes were of course renowned for their calmness and politeness, but any act of discrimination must be dealt with in accordance with the provisions of the Convention, irrespective of such considerations. According to NGO sources, trends towards violence against members of minority groups continued. The Government should therefore take more effective action to counteract them by promoting respect for racial and cultural diversity. In that connection, it was reported that the perpetrators of hate-related crimes and acts of violence might be linked to neo-Nazi and anti-immigration groups in other European countries. What measures was the Danish Government taking unilaterally, or in cooperation with other European countries, on that front?

52. The quota system for allocating housing to foreigners had the advantage of avoiding segregation, but the disadvantage of separating members of the same ethnic group or even family. The system should be improved by taking into account factors such as the linguistic and cultural backgrounds of the persons concerned. They should also be afforded the possibility of

moving to another municipality if they so wished, in accordance with the right of freedom of movement. According to NGO sources, some private landlords refused to rent accommodation to refugees and immigrants. What could be done to change such attitudes?

53. He welcomed the further efforts made in the area of bilingual teaching for children belonging to minority ethnic groups.

54. Turning to judicial matters, he said it was considered in some quarters that, since only the police and public prosecutors could institute legal proceedings for acts of racial discrimination, without any alternative private complaints procedure, victims were deprived of the necessary remedies or the right to appeal. Access to effective remedies was also restricted by submitting disputes to labour arbitration under the Act on the Prohibition of Differential Treatment on the Labour Market, thereby precluding the possibility of the cases being dealt with by ordinary courts. While he was aware of the difficulties involved and the differences between judicial systems in European countries, he sought the views of the delegation as to how such situations might be improved.

55. Insufficient data had been provided on people of different racial and ethnic origin living in Denmark, irrespective of their citizenship. How many people were covered by the Integration Act of 1998? Apparently the integration programme relating to that Act would apply to some 5,000 people a year, including new refugees, immigrants and persons wishing to be reunited with their families. That did not seem to take into account the approximately 400,000 people of ethnic minority background already living in Denmark.

56. Mr. NOBEL referred to the comment by the head of the Danish delegation that it was the recent influx of immigrants and refugees into Denmark that posed challenges to its infrastructures and traditional customs and values. Such remarks, which he had often heard in other Scandinavian countries, caused him some concern, suggesting as it did that immigrants brought problems which had previously not existed in the country, whereas it might be argued that their arrival merely highlighted shortcomings already existing in the police, housing services and education system, given that they had been unable to rise to the new challenge.

57. Denmark had been bringing its immigration procedures into line with European Union policy of moving immigration controls from national borders to the outer fringes of the European Union, thereby creating the so-called "fortress Europe", a matter that gave rise to concern that it would inspire racist attitudes, since it hinged on the concept of the undesirability of "them" (non-Europeans) as opposed to "us" (Europeans). The problem of reconciling the will to control immigration and in particular to restrict illegal immigration with practices and legislation which were not racist or might inspire racist attitudes required careful reflection. One unacceptable aspect of the current European policy was the sanctions imposed on airlines and other carriers for bringing persons without a visa into the country, which obliged those companies to carry out immigration controls at the check-in counter of the country of departure. In so doing governments were effectively delegating their responsibility under the Convention relating to the Status of Refugees of deciding who were bona fide refugees to the person at the check-in counter.

58. In order to integrate successfully it was essential to gain access to the credit, labour and housing markets. According to paragraph 195 of the report, bank loans were granted in Denmark on the basis of an assessment of the individual's ability to pay back the loan with interest, which in the case of non-citizens entailed information about the person's length of stay and work permit. Given the mobility of people nowadays, he considered such criteria rather old-fashioned and irrational. What was important in granting credit was a person's place of residence, where his salary was deposited and/or whether he had assets which could be retrieved in case of need. He also rejected the arguments put forward in the paragraph with reference to money laundering. In that connection information should have been provided on action taken by the Danish Government in response to the Committee's finding regarding the Habassi v. Denmark case, the author's complaint having been based on his failure to be granted a bank loan. He hoped that such information would be forthcoming.

59. On the subject of language, employers often used a lack of proficiency in a language as a pretext for refusing to employ foreigners. However, it was important to remember that different standards of language skills were required for different types of jobs. An effort should therefore be made to encourage employers and the competent authorities to be less stringent in applying such criteria in future.

60. Mr. VALENCIA RODRIGUEZ, referring to article 1 of the Convention, sought clarification regarding the statement in paragraph 7 of the report that it was possible to derogate from the provisions of Act No. 459 on the Prohibition of Differential Treatment on the Labour Market when the job required the employee to be of a particular ethnic origin. To his recollection it was the first time that the Committee had been appraised of such a possibility. While he granted that belonging to a certain ethnic group might be a requirement, for instance, for performing artists or certain specialists, he suggested that the provisions of the Act should be derogated from as little as possible.

61. With respect to article 2 of the Convention, he applauded the Danish Government's efforts to overcome the very high rate of unemployment among foreigners. However, according to paragraph 16 of the report, some employers were reluctant to employ people who were of a different ethnic origin. What steps was the Government taking to counter such trends?

62. He would welcome more information on the activities of the Committee on Women in overcoming obstacles to access to the labour market by women of non-Danish origin. As to the granting and revocation of residence permits, special attention should be given by the competent authorities to such women who were the victims of ill-treatment.

63. The acknowledgement in the report (para. 63) that the Government's integration efforts had not proved very effective thus far called for a more thorough analysis of where the difficulties lay. That should take into account the four major aspects of integration: education, including learning the local language, job opportunities, adequate housing and health care.

64. With regard to article 3, he asked for more information on measures to overcome the reported problems of marked differences between the housing conditions of Danes and people of different ethnic origin, and discriminatory practices by municipal authorities.

65. The provisions of article 4 (a) of the Convention were covered by the Criminal Code, in particular section 266 (b), with the increased penalties provided for in Act No. 309. He welcomed the statement that the courts assessed the consideration of freedom of expression and freedom of the press as opposed to the consideration of protection against racist statements when deciding whether such an offence had been committed. He thanked the delegation for providing specific examples of convictions made under section 266 (b) of the Criminal Code, which showed that the law was being applied correctly. He hoped that information on cases still pending would be forwarded to the Committee in due course.

66. He urged the Danish Government to remain vigilant about radio stations such as Radio Oasen operated by neo-Nazi associations. There was no information in the report about the implementation of article 4 (b) of the Convention which prohibited racist organizations.

The meeting rose at 6.05 p.m.